



STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)		
)		
OPRIA RICHARDSON,)		
)		
Complainant,)		
)		
and)	CHARGE NO(S):	2003SF2127
)	EEOC NO(S):	21BA31086
RAMADA INN OF SPRINGFIELD,)	ALS NO(S):	S04-100
)		
Respondent.)		

RECOMMENDED ORDER AND DECISION

This matter is ready for a Recommended Order and Decision pursuant to the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.). On March 24, 2004, an Order was entered which set this matter for a hearing on the issue of damages after Respondent had previously been held to be in default. A public hearing was held before me on the issue of damages on June 16, 2004 in Springfield, Illinois. Complainant was the only party to appear at the public hearing, and the time for filing any brief has expired.

Contentions of the Parties

In the underlying Charge of Discrimination, Complainant asserts that she was the victim of race discrimination when she was terminated from her position as head housekeeper at Respondent’s hotel. Complainant contended during the public hearing that she suffered lost wages as a result of her termination, and that she was required to incur attorney’s fees during the prosecution of her claim.

Findings of Fact

Based upon the record in this matter, I make the following findings of fact:

1. On July 6, 2002, Complainant, an African-American, was hired by Respondent to be its head housekeeper. Complainant's salary at this time was \$20,800 per year.

2. On July 29, 2002, Respondent terminated Complainant from her position as head housekeeper.

3. Respondent treated more favorably similarly situated workers outside of Complainant's protected classification.

4. From the time of Complainant's termination to the date of the public hearing (i.e., 22½ months) Complainant would have earned \$38,999.99 at Respondent's hotel. During this same time frame Complainant earned \$6,676 from three different employers and received \$3,861 in unemployment compensation benefits. After subtracting what Complainant received from her subsequent employment and her assistance benefits, Complainant's net lost wages are \$28,462.99.

5. At all times pertinent to this case, Attorney John Baker represented Complainant in the proceedings before the Department of Human Rights and the Commission.

6. Complainant incurred a total of \$337.50 in attorney fees that arose out of the filing of the Charge of Discrimination and counsel's attendance at the fact-finding conference. Such fees are reasonable.

Conclusions of Law

1. Complainant is an "employee" as that term is defined under the Human Rights Act.

2. Respondent, Ramada Inn of Springfield, is an "employer" as that term is defined under the Human Rights Act and was subject to the provisions of the Human Rights Act.

3. As a consequence of the default order entered on March 24, 2004, all of the allegations contained in Complainant's Charge of Discrimination are deemed admitted.

4. A prevailing complainant may receive lost wages arising out her Human Rights Act claim, as well as attorney fees incurred to maintain her action.

Discussion

On March 24, 2004, the Commission entered an Order finding Respondent to be in default due to its failure to file a verified response to the Charge of Discrimination and its failure to attend the fact-finding conference. The allegations of the Charge of Discrimination indicate that Respondent terminated Complainant, an African-American, from her position as a housekeeper under circumstances where it would not have terminated similarly situated employees outside of Complainant's race. As such, these admitted allegations adequately support Complainant's claim that she was a victim of discrimination on account of her race.

As to her damages, the record established that Complainant was paid a salary of \$20,800 per year, and that in the twenty-two and a half months between the time of her termination and the date of the public hearing, Complainant would have earned \$38,999.99. However, during this time frame Complainant worked at three different employers and earned a total of \$6,676, which must be deducted from the gross wage total. Moreover, Complainant received a total of \$3,861 in unemployment benefits during this same time frame, which must be subtracted from Complainant's back wages claim. (See, **Brown and Cresco**, 46 Ill. HRC rep. 184 (1985).) However, Respondent will be directed to pay Complainant \$3,861 should she be required to refund her unemployment compensation benefits to the Department of Employment Security. Thus, in making all of the relevant subtractions, I find that Complainant is entitled to

\$28,462.99 in back wages. Additionally, I find that Complainant's claim of \$337.50 for attorney's fees incurred in this matter is reasonable.

Recommendation

For all of the above reasons, I recommend that the Commission enter an Order which:

1. Directs Respondent to pay Complainant the sum of \$28,462.99 in back wages. Should Complainant be required by the Department of Employment Security to pay back the unemployment compensation benefits of \$3,861 that she previously received, she should notify Respondent of this obligation. Within 60 days after this notification, Respondent shall pay to Complainant any amounts of unemployment compensation benefits that she is required to repay to the Department of Labor.
2. Directs Respondent to pay Complainant the sum of \$337.50 representing attorney's fees incurred by Complainant.
3. Directs Respondent to cease and desist from discriminating on the basis of race.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL R. ROBINSON
Administrative Law Judge
Administrative Law Section

ENTERED THE 28th DAY OF APRIL, 2005